

1 BILL NO. Z-81-09-07 (AS AMENDED)

2 ZONING MAP ORDINANCE NO. Z- 09-82

3  
4 AN ORDINANCE amending the City of  
5 Fort Wayne Zoning Map No. I-2.

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
7 INDIANA:

8 SECTION 1. That the area described as follows is hereby  
9 designated a B-3-B District under the terms of Chapter 33, The Code of the  
10 City of Fort Wayne, Indiana of 1974:

11  
12 Part of Third Commercial Addition, as recorded in Plat  
13 Book 4, page 48, in the Office of the Recorder of Allen  
14 County, Indiana, more particularly described as follows:

15 Lot #413 through Lot #425 inclusive in Third Commercial  
16 Addition, together with the vacated alley lying North of  
17 and adjacent to Lot #413 through Lot #425 in Third Commercial  
18 Addition, together with Lot #468 through Lot #456 inclusive  
19 in Third Commercial Addition, together with vacated Beadell  
20 Street lying north of and adjacent to Lot #468 through  
21 Lot #456 inclusive, together with Lot #469 through Lot #481  
22 inclusive in Third Commercial Addition, together with 12 feet  
23 vacated alley lying North of and adjacent to Lot #469 through  
24 Lot #481 inclusive, together with Lot #516 through Lot #504  
inclusive in Third Commercial Addition, together with the  
South half of vacated Graeter Street lying North of and  
adjacent to Lots #516 through Lot #504, together with Lot  
#517 through Lot #521 inclusive and the West 20 feet of Lot  
#522 in Third Commercial Addition, together with the North  
half of vacated Graeter Street lying South of and adjacent  
to Lot #517 through Lot #521 and the West 20 feet of Lot  
#522 in Third Commercial Addition, together with part of  
Lot "E" in Third Commercial Addition more particularly  
described as follows:

25 Beginning at a point on the South line of Lot "E" in Third  
26 Commercial Addition, said point being the intersection of  
27 the North right-of-way line of Taylor Street and the East  
right-of-way line of Freeman Street; thence East along the  
28 South line of Lot "E" a distance of 545 feet to a point  
on the West right-of-way line of Morris Street; thence  
29 North along the West right-of-way line of Morris Street  
a distance of 1218 feet; thence West and parallel to the  
30 South line of Lot "E" a distance of 369.6 feet; thence  
West on a curve to the left having a radius of 666.2 feet  
31 a distance of 177.67 feet to a point on the East right-of-way  
line of Freeman Street; thence South along the East right-of-way  
line of Freeman Street a distance of 1194.45 feet to the point

1 Bill No. Z-81-09-07 (AS AMENDED)

2 Page two

3  
4 of beginning, excepting therefrom a part of Lot "E"  
5 in Third Commercial Addition described as follows:

6 Beginning at a point on the South line of Lot "E" in  
7 Third Commercial Addition where said line intersects  
8 the West line of Morris Street; thence North along the  
9 West line of Morris Street a distance of 400 feet; thence  
10 West parallel to the North line of Taylor Street, a distance  
11 of 345 feet; thence South parallel to the West line of  
12 Morris Street 118 feet; thence West and parallel to the  
13 North right-of-way line of Taylor Street to the East  
right-of-way line of Freeman Street as established by  
Street Widening as recorded in Plat Book 16, page 5 in  
the Allen County Recorder's Office; thence South along  
said East right-of-way line a distance of 292 feet to  
the North right-of-way line of Taylor Street; thence  
East along said right-of-way line a distance of 545 feet  
to the point of beginning.

14 and the symbols of the City of Fort Wayne Zoning Map No. I-2, referred to  
15 therein, established by Section 33-11 of said Chapter are hereby changed  
16 accordingly.

17 SECTION 2. That this Ordinance shall be effective upon  
18 passage, approval by the Mayor and legal publication thereof.

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22 COUNCILMAN  
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24 APPROVED AS TO FORM AND  
25 LEGALITY  
26  
27 BRUCE O. BOXBERGER, CITY ATTORNEY  
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4 AN ORDINANCE amending the City of  
5 Fort Wayne Zoning Map No. I-2.6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
7 FORT WAYNE, INDIANA:8 SECTION 1. That the area described as follows is  
9 hereby designated a B-3-B District under the terms of Chapter  
10 33, The Code of the City of Fort Wayne, Indiana of 1974:11 Part of Third Commercial Addition, as recorded  
12 in Plat Book 4, Page 48, in the Office of the  
13 Recorder of Allen County, Indiana, more particularly  
described as follows:14 Lot #401 through Lot #410 inclusive in Third Com-  
15 mercial Addition, together with Lot #413 through  
16 Lot #425 inclusive in Third Commercial Addition,  
17 together with the vacated alley lying North of and  
18 adjacent to Lot #413 through Lot #425 in Third  
19 Commercial Addition, together with Lot #468  
20 through Lot #456 inclusive in Third Commercial Ad-  
21 dition, together with vacated Beadell Street lying  
22 north of and adjacent to Lot #468 through Lot #456  
23 inclusive, together with Lot #469 through Lot #481  
24 inclusive in Third Commerical Addition, together  
25 with 12 feet vacated alley lying North of and adja-  
26 cent to Lot #469 through Lot #481 inclusive, together  
27 with Lot #516 through Lot #504 inclusive in Third  
28 Commercial Addition, together with the South half  
29 of vacated Graeter St. lying North of and adjacent  
30 to Lot #516 through Lot #504, together with Lot  
#517 through Lot #521 inclusive and the West 20  
feet of Lot #522 in Third Commercial Addition, to-  
gether with the North half of vacated Graeter Street  
lying South of and adjacent to Lot #517 through Lot  
#521 and the West 20 feet of Lot #522 in Third  
Commercial Addition, together with part of Lot "E"  
in Third Commercial Addition more particularly de-  
scribed as follows:31 Beginning at a point on the South line of Lot "E"  
32 in Third Commercial Addition, said point being the  
intersection of the North right-of-way line of Taylor  
Street and the East right-of-way line of Freeman  
Street; thence East along the South line of Lot "E"  
a distance of 545 feet to a point on the West right-  
of-way line of Morris Street; thence North along

3 the West right-of-way line of Morris Street a  
4 distance of 1218 feet; thence West and parallel  
5 to the South line of Lot "E" a distance of 369.6  
feet; thence West on a curve to the left having  
6 a radius of 666.2 feet a distance of 177.67 feet  
7 to a point on the East right-of-way line of Freeman  
Street; thence South along the East right-of-way  
line of Freeman Street a distance of 1194.45 feet  
8 to the point of beginning, excepting therefrom a  
part of Lot E in Third Commercial Addition described  
as follows:

9 Beginning at a point on the South line of Lot E  
10 in Third Commercial Addition where said line inter-  
sects the West line of Morris Street, thence North  
11 along the West line of Morris Street a distance of  
12 400 feet; thence West parallel to the North line  
13 of Taylor Street, a distance of 345 feet; thence  
South parallel to the West line of Morris Street  
to the North line of Taylor Street, thence East  
to the point of beginning.

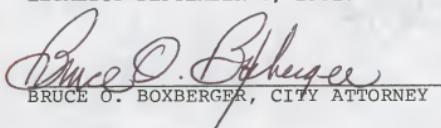
14 and the symbols of the City of Fort Wayne Zoning Map No. I-2,  
15 referred to therein, established by Section 33-11 of said  
16 Chapter are hereby changed accordingly.  
17

18 SECTION 2. That this Ordinance shall be effective upon  
19 passage, approval by the Mayor and legal publication thereof.

20 APPROVED AS TO FORM AND  
21 LEGALITY SEPTEMBER 4, 1981.  
22

  
Mark E. Giunta  
COUNCILMAN

23  
24 BRUCE O. BOXBERGER, CITY ATTORNEY  
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Bruce O. Boxberger  
BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M.,E.S.T.

DATE: \_\_\_\_\_

CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Eustach, seconded by Wain, and duly adopted, placed on its passage. PASSED (LOSED) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
<u>TOTAL VOTES</u>	<u>8</u>	—	—	<u>1</u>	—
<u>BRADBURY</u>	<u>X</u>	—	—	—	—
<u>BURNS</u>	<u>X</u>	—	—	—	—
<u>EISBART</u>	<u>X</u>	—	—	—	—
<u>GiaQUINTA</u>	<u>X</u>	—	—	—	—
<u>NUCKOLS</u>	—	—	—	<u>X</u>	—
<u>SCHMIDT</u>	<u>X</u>	—	—	—	—
<u>SCHOMBURG</u>	<u>X</u>	—	—	—	—
<u>STIER</u>	<u>X</u>	—	—	—	—
<u>TALARICO</u>	<u>X</u>	—	—	—	—

DATE: 4-13-82

CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) NO. 3-09-82 on the 13th day of April, 1982.

ATTEST:

(SEAL)

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of April, 1982, at the hour of 11:00 o'clock A..M.,E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 23rd day of April, 1982, at the hour of 4:30 o'clock P..M.,E.S.T.

Win Moses, Jr.  
WIN MOSES, JR. - MAYOR

Read the first time in full and on motion by Gia Quinta,  
seconded by Charles W. Westerman, and duly adopted, read the second time  
by title and referred to the Committee DeGollier (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at 2 o'clock M., E.S.T.

DATE: 5-8-81

Charles W. Westerman  
CHARLES W. WESTERMAN  
CITY CLERK

Read the third time in full and on motion by Steve Estabrook,  
seconded by Steve Estabrook, and duly adopted, placed on its  
passage. PASSED (PASSED) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
<u>TOTAL VOTES</u>	<u>8</u>	—	—	<u>1</u>	—
<u>BURNS</u>	—	—	—	—	—
<u>EISBART</u>	—	—	—	—	—
<u>GiaQUINTA</u>	—	—	—	—	—
<u>NUCKOLS</u>	—	—	—	—	—
<u>SCHMIDT, D.</u>	—	—	—	—	—
<u>SCHMIDT, V.</u>	—	—	—	—	—
<u>SCHOMBURG</u>	—	—	—	—	—
<u>STIER</u>	—	—	—	—	—
<u>TALARICO</u>	—	—	—	—	—

DATE: \_\_\_\_\_

CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)  
(APPROPRIATION) ORDINANCE (RESOLUTION) No. 3-09-82  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

ATTEST: (SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at the hour of  
o'clock \_\_\_\_\_ M., E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of  
19\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

WINFIELD C. MOSES, JR.  
MAYOR

Z-81-09-07 (as amended)  
BILL NO. \_\_\_\_\_

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN  
ORDINANCE amending the City of Fort Wayne Zoning Map No. I-2

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

BEN A. EISBART - CHAIRMAN

JANET G. BRADBURY - VICE CHAIRMAN

PAUL M. BURNS

JOHN NUCKOLS

ROY J. SCHOMBURG

4-13-82 CONCURRED IN

DATE CHARLES W. WILSON CITY CLERK

## RECEIPT

Date

8/11

1981

No.

15996

Received From

John Whitmore

Address

222 Utility Bldg.

Fifty and 00/100

Dollars \$50.00

For

George

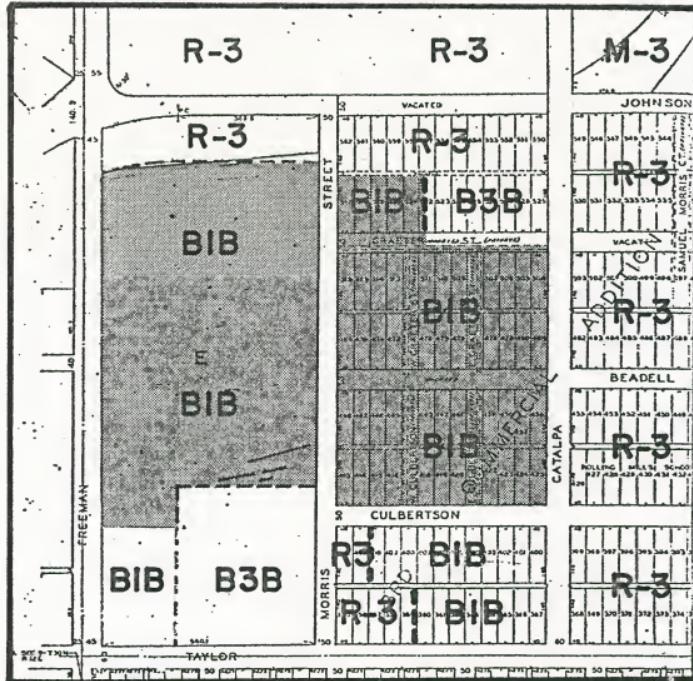
Takay, Inc. Mountain City

## ACCOUNT      HOW PAID

AMT. OF ACCOUNT	CASH		
60.00			
AMT. PAID	CHECK	1774	
BALANCE DUE	MONEY ORDER		

By

Takay Sennepur



**ZONING RECLASSIFICATION FROM  
AN BIB TO A B3B .**

*Z-81-09-07 (AS AMENDED)*

MAP NO. I-2

## PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO.

DATE FILED

INTENDED USE

RECEIVED

	AUG 11 1981
FORT WAYNE CITY PLAN COMMISSION	

THIS IS TO BE FILED IN DUPLICATEI/we CARL R. HORN

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/~~xx~~ B1B District to a/~~xx~~ B3B District the property described as follows:

See attached description

(Legal Description) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

I/we, the undersigned, certify that I am/we ~~are~~ the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Carl R. Horn436 Dunkelberg Road  
Fort Wayne, INX Carl Horn(Name)(Address)(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

222 Utility BuildingJohn M. Whitmore, Jr.Fort Wayne, IN 46802219/426-2244(Name)(Address & Zip Code)(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Part of Third Commercial Addition, as recorded in Plat Book 4, page 48; in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Lot #401 through Lot #410 inclusive in Third Commercial Addition, together with Lot #413 through Lot #425 inclusive in Third Commercial Addition, together with the vacated alley lying North of and adjacent to Lot #413 through Lot #425 in Third Commercial Addition, together with Lot #468 through Lot #456 inclusive in Third Commercial Addition, together with vacated Beadell Street lying north of and adjacent to Lot #468 through Lot #456 inclusive, together with Lot #469 through Lot #481 inclusive in Third Commercial Addition, together with 12 feet vacated alley lying North of and adjacent to lot #469 through Lot #481 inclusive, together with Lot #516 through Lot #504 inclusive in Third Commercial Addition, together with the South half of vacated Graeter St. lying North of and adjacent to Lot #516 through Lot #504, together with Lot #517 through Lot #521 inclusive and the West 20 feet of Lot #522 in Third Commercial Addition, together with the North half of vacated Graeter Street lying South of and adjacent to Lot #517 through Lot #521 and the West 20 feet of Lot #522 in Third Commercial Addition, together with part of Lot "E" in Third Commercial Addition more particularly described as follows:

Beginning at a point on the South line of Lot "E" in Third Commercial Addition, said point being the intersection of the North right-of-way line of Tayor Street and the

East right-of-way line of Freeman Street; thence East along the South line of Lot "E" a distance of 545 feet to a point on the West right-of-way line of Morris Street; thence North along the West right-of-way line of Morris Street a distance of 1218 feet; thence West and parallel to the South line of Lot "E" a distance of 369.6 feet; thence West on a curve to the left having a radius of 666.2 feet a distance of 177.67 feet to a point on the East right-of-way line of Freeman Street; thence South along the East right-of-way line of Freeman Street a distance of 1194.45 feet to the point of beginning, excepting therefrom a part of Lot E in Third Commercial Addition described as follows:

Beginning at a point on the South line of Lot E in Third Commercial Addition where said line intersects the West line of Morris Street, thence North along the West line of Morris Street a distance of 400 feet; thence West parallel to the North line of Taylor Street, a distance of 345 feet; thence South parallel to the West line of Morris Street to the North line of Taylor Street, thence East to the point of beginning.

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RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on September 8, 1981, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-81-09-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 21, 1981;

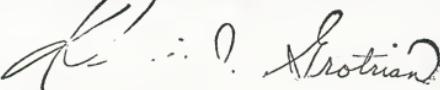
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend by motion of Joyce Schlatter, seconded by Robert Hutner that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in this rezoning request will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne CITY Plan Commission held March 22, 1982.

Certified and signed this  
31st day of March 1982.

  
Dennis J. Grotrian  
Secretary

RESTRICTIVE COVENANT

WHEREAS, Carl R. Horn ("Owner") is the Owner of the following described real estate, commonly known as Tah-Cum-Wah Recreational Center in the City of Fort Wayne, Indiana:

See Exhibit "A" Attached

herein referred to as the "Real Estate"; and

WHEREAS, Owner has petitioned the City of Fort Wayne, by and through its Plan Commission and Common Council, for an ordinance to change the zoning classification for the Real Estate from "B-1-B" to "B-3-B", as more particularly described in the Zoning Code of the City of Fort Wayne; and,

WHEREAS, the petition of the Owner for said zoning reclassification has been and is opposed by the owners of various properties contiguous to and in the vicinity of said Real Estate; and

WHEREAS, Owner desires to induce the City of Fort Wayne to grant his petition by placing certain restrictions and limitations upon the use of the Real Estate, and represents that the granting of said petition will constitute a substantial benefit to Owner, and his successors in title to said Real Estate; and,

WHEREAS, Wildwood Park Community Association, Inc., by and through Grant F. Shipley, its President, acting for and on behalf of the members of said Association, agrees and covenants to withdraw their opposition to said petition of Owner, and to forego their valuable right to petition the City of Fort Wayne to redress their grievances to said petition; and,

WHEREAS, Owner covenants and agrees, for himself, his grantees, representatives, successors and assigns, that the following Restrictive Covenant shall be, and it hereby is, imposed upon said Real Estate as a covenant running with the land burdening every part of the Real Estate and benefiting the lands hereinafter described and also benefiting the City of Fort Wayne, Indiana and its departments and agencies, especially the Fort Wayne Park and Recreation Department; and,

Restrictive Covenant  
Tah-Cum-Wah Recreational Center

Page two

WHEREAS, the foregoing promises and covenants are mutual and reciprocal, and are given in consideration one for the other; and the promises and covenants of the Owner, in addition, are offered to the City of Fort Wayne subject to and to induce the enactment of said petition for rezoning;

NOW THEREFORE, Owner, as Owner of said Real Estate, in consideration of the enactment of Bill No. Z-81-09-07, making the zoning classification B-3-B, and allowing the use of the Real Estate as a proprietary recreational facility as described herein, and in consideration of the withdrawal of opposition to his petition for rezoning by Wildwood Park Community Association, Inc., hereby covenants for himself, his grantees, heirs, representatives, tenants, lessees, successors, assigns, and/or all persons claiming title or use and enjoyment of the Real Estate under or through Owner, as follows:

1. No part of the Real Estate shall be used for any use or purpose not permitted in a B-1-B zoning classification under the Fort Wayne Zoning Code, except as provided in Paragraph 2, 3 and 4.

2. Presently existing uses of the Real Estate are hereby permitted.

No uses other than allowed in Paragraphs 1, 3 or 4 may be expanded.

3. No part of the Real Estate shall be used for any purpose, activity, or use other than as a golf driving range, putting green, miniature golf course, or outdoor sports playing field or fields, including softball and baseball diamonds, except as provided in Paragraphs 1, 2 and 4. No use may involve firearms.

4. Provided, however, the Real Estate described in Exhibit "B" may also be used for indoor sports uses allowable in a B-3-B zoning district, other than as a use involving firearms, which is hereby specifically prohibited on the Real Estate described in Exhibit "B".

5. The covenants, and each of them, burden and run with the land heretofore described as the Real Estate, and are not personal only to the Owner; but said covenants shall bind all subsequent heirs, grantees, representatives, successors, and assigns, their agents and employees, and all persons claiming title, or possession, under or through Owner; and these covenants, and each of them, shall inure to the benefit of all owners of land situated in whole or in part within three thousand (3,000) feet of any portion of the Real Estate, as

Restrictive Covenant  
Tah-Cum-Wah Recreational Center

Page three

dominant tenements, and also to the Wildwood Park Community Association, Inc., its successors and assigns, and to the City of Fort Wayne, in its own name and by and through and in the separate name of any and all departments, boards and/or agencies of the City of Fort Wayne, especially the Department of Parks and Recreation of the City of Fort Wayne, who are or may be authorized by statute or ordinance to enforce restrictive covenants inuring to the benefit of the City of Fort Wayne.

6. These covenants, and any of them, may be enforced by legal proceedings seeking injunctive, declaratory, and/or compensatory relief.

7. Except as may be provided in a statute of limitations, the failure of one or more persons, to enforce any of these covenants by litigation or otherwise, shall not work an estoppel or waiver against any other person or persons having rights hereunder or through any statute or ordinance.

8. This covenant may be amended by the City of Fort Wayne, through its City Council, on application for an amendment to this covenant, to the City Council, by an Owner, after a public hearing on said application, after due notice of the application as would be required of a Petition for Rezoning. Amendment of this covenant would specifically be determined by the Fort Wayne City Council, and the failure of all Owners of land situated in whole or in part within three thousand (3,000) feet of any portion of the Real Estate, including the Wildwood Park Community Association, Inc., and its successors and assigns, to specifically approve said amendment, shall not defeat the amendment.

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 1982.

  
\_\_\_\_\_  
CARL R. HORN

WILDWOOD PARK COMMUNITY ASSOCIATION, INC.

BY:   
\_\_\_\_\_  
GRANT F. SHIPLEY, President

ATTEST:

\_\_\_\_\_  
VERNELL FETTIG, Secretary

Restrictive Covenant  
Tah-Cum-Wah Recreational Center

Page four

CITY OF FORT WAYNE FOR AND ON BEHALF OF  
ITS DEPARTMENTS AND AGENCIES, INCLUDING  
THE FORT WAYNE PARK AND RECREATION DEPARTMENT.

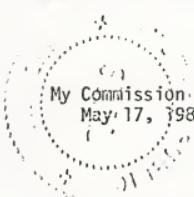
BY: \_\_\_\_\_

Restrictive Covenant  
Tah-Cum-Wah Recreational Center  
Page five

STATE OF INDIANA, COUNTY OF ALLEN, SS:

Before me the undersigned, a Notary Public in and for said County and State this 24th day of March, 1982, personally appeared CARL R. HORN, and acknowledged the execution of the foregoing Restrictive Covenant.

In Witness Whereof I have hereunto subscribed my name and affixed my official seal.



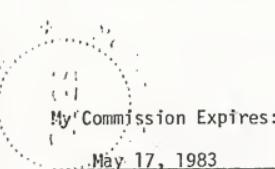
John M. Whitmore, Jr., Notary Public  
Resident: Allen County, Indiana

My Commission Expires:  
May 17, 1983

STATE OF INDIANA, COUNTY OF ALLEN, SS:

Before me the undersigned, a Notary Public in and for said County and State this 25th day of March, 1982, personally appeared GRANT F. SHIPLEY, the President of Wildwood Park Community Association, Inc., who acknowledged execution of the foregoing Restrictive Covenant for and on behalf of said Wildwood Park Community Association, Inc., and who, having been duly sworn stated that the representations therein contained are true.

Witness my hand and Notarial Seal on the date above.



John M. Whitmore, Jr., Notary Public  
Resident: Allen County, Indiana

STATE OF INDIANA, COUNTY OF ALLEN, SS:

Before me the undersigned, a Notary Public in and for said County and State this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, personally appeared VERNELL FETTIG, the corporate Secretary of the Wildwood Park Community Association, Inc., attesting to the signature of Grant F. Shipley as President of Wildwood Park Community Association, Inc., and acknowledged her execution of the foregoing Restrictive Covenant for and on behalf of said Wildwood Park Community Association, Inc., and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal on the date above.

\_\_\_\_\_  
Notary Public  
Resident: Allen County, Indiana

My Commission Expires:

Restrictive Covenant  
Tah-Cum-Wah Recreational Center  
Page six

STATE OF INDIANA, COUNTY OF ALLEN, SS:

Before me, a Notary Public, in and for said County and State, personally appeared \_\_\_\_\_, on behalf of the City of Fort Wayne, for and on behalf of its Departments and Agencies, including the Fort Wayne Park and Recreation Department, who acknowledged execution of the foregoing Restrictive Covenant for and on behalf of the City of Fort Wayne, and for and on behalf of its Departments and Agencies, including the Fort Wayne Park and Recreation Department, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_,  
19 \_\_\_\_.

---

\_\_\_\_\_  
Notary Public  
Resident: Allen County, Indiana

My Commission Expires:  
\_\_\_\_\_

PREPARED BY:  
John M. Whitmore, Jr. and  
Grant F. Shipley

EXHIBIT A  
to  
Bill No. Z-81-09-07

Part of Third Commercial Addition, as recorded in Plat Book 4, page 48, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Lot #413 through Lot #425 inclusive in Third Commercial Addition, together with the vacated alley lying North of and adjacent to Lot #413 through Lot #425 in Third Commercial Addition, together with Lot #468 through Lot #456 inclusive in Third Commercial Addition, together with vacated Beadell Street lying north of and adjacent to Lot #468 through Lot #456 inclusive, together with Lot #469 through Lot #481 inclusive in Third Commercial Addition, together with 12 feet vacated alley lying North of and adjacent to Lot #469 through Lot #481 inclusive, together with Lot #516 through Lot #504 inclusive in Third Commercial Addition, together with the South half of vacated Graeter Street lying North of and adjacent to Lots #516 through Lot #504, together with Lot #517 through Lot #521 inclusive and the West 20 feet of Lot #522 in Third Commercial Addition, together with the North half of vacated Graeter Street lying South of and adjacent to Lot #517 through Lot #521 and the West 20 feet of Lot #522 in Third Commercial Addition, together with part of Lot "E" in Third Commercial Addition more particularly described as follows:

Beginning at a point on the South line of Lot "E" in Third Commercial Addition, said point being the intersection of the North right-of-way line of Taylor Street and the East right-of-way line of Freeman Street; thence East along the South line of Lot "E" a distance of 545 feet to a point on the West right-of-way line of Morris Street; thence North along the West right-of-way line of Morris Street a distance of 1218 feet; thence West and parallel to the South line of Lot "E" a distance of 369.6 feet; thence West on a curve to the left having a radius of 666.2 feet a distance of 177.67 feet to a point on the East right-of-way line of Freeman Street; thence South along the East right-of-way line of Freeman Street a distance of 1194.45 feet to the point of beginning, excepting therefrom a part of Lot "E" in Third Commercial Addition described as follows:

Beginning at a point on the South line of Lot "E" in Third Commercial Addition where said line intersects the West line of Morris Street; thence North along the West line of Morris Street a distance of 400 feet; thence West parallel to the North line of Taylor Street, a distance of 345 feet; thence South, parallel to the West line of Morris Street 118 feet; thence West and parallel to the North right-of-way line of Taylor Street to the East right-of-way line of Freeman Street as established by Street Widening as recorded in Plat Book 16, page 5 in the Allen County Recorder's Office; thence South along said East right-of-way line a distance of 292 feet to the North right-of-way line of Taylor Street; thence East along said right-of-way line a distance of 545 feet to the point of beginning.

EXHIBIT B

DESCRIPTION OF AREA WHERE  
INDOOR SPORTS WOULD BE ALLOWABLE

Part of the Third Commercial Addition, as recorded in Plat Book 4, page 48, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Lots 413 through 425, inclusive in Third Commercial Addition, together with the vacated alley lying north of and adjacent to Lots 413 through 425 in Third Commercial Addition, together with Lots 468 through 456 inclusive, in Third Commercial Addition, together with the South 28 feet of vacated of Beadell Street lying north of and adjacent to Lot 468 through 456. Together with vacated Morris Street lying west and adjacent to Lot 413 in Third Commercial Addition, the west end of the 12 foot vacated alley, Lot 468 in Third Commercial Addition, and the west line of the south 28 feet of vacated Beadell Street.

Additionally, beginning at a point on the west right-of-way line of Morris Street 400 feet north of the southeast corner of Lot E in Third Commercial Addition to the City of Fort Wayne, Indiana, said southeast corner of Lot E being the intersection of the north right-of-way line of Taylor Street and the west right-of-way line of Morris Street; thence north from the point of beginning, along the said west right-of-way line of Morris Street a distance of 262 feet; thence west and parallel to the north right-of-way line of Taylor Street a distance of 345 feet; thence south and parallel to the west right-of-way line of Morris Street a distance of 262 feet; thence east and parallel to the north right-of-way line of Taylor Street a distance of 345 feet to the point of beginning.



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

31 March 1982

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held March 22, 1982. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-81-09-07
2. From B-1-B to B-3-B
3. Intended Use: Tah-Cum-Wah Recreational Center
4. Plan Commission Recommendation: DO PASS with a condition in the form of a RESTRICTIVE COVENANT

Your attention is directed to paragraph 8. which reads as follows:

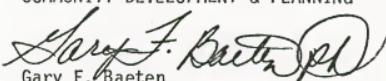
"8. This covenant may be amended by the City of Fort Wayne, through its City Council, on application for an amendment to this covenant, to the City Council, by an Owner, after a public hearing on said application, after due notice of the application as would be required of a Petition for Rezoning. Amendment of this covenant would specifically be determined by the Fort Wayne City Council, and the failure of all Owners of land situated in whole or in part within three thousand (3,000) feet of any portion of the Real Estate, including the Wildwood Park Community Association, Inc., and its successors and assigns, to specifically approve said amendment, shall not defeat the amendment."

A copy of the covenant is attached to the original ordinance and a copy is attached to this letter for your information.

If you have any questions with regard to this ordinance please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

  
Gary F. Baeten  
Senior Planner

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on September 8, 1981, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-81-09-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 21, 1981;

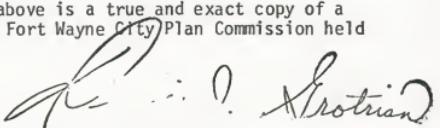
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend by motion of Joyce Schlatter, seconded by Robert Hutner that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

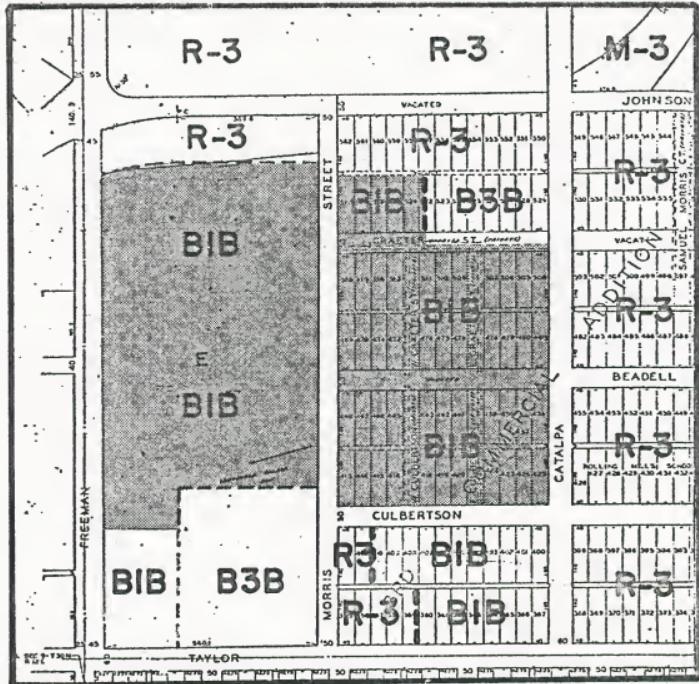
- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in this rezoning request will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 22, 1982.

Certified and signed this  
31st day of March 1982.

  
Dennis J. Grotrian  
Secretary



ZONING RECLASSIFICATION FROM  
AN BIB TO A B3B .

*Z-81-09-07 (AS AMENDED)*

MAP NO. I-2

BY G. R. LAX 8-20-81

RESTRICTIVE COVENANT

WHEREAS, Carl R. Horn ("Owner") is the Owner of the following described real estate, commonly known as Tah-Cum-Wah Recreational Center in the City of Fort Wayne, Indiana:

See Exhibit "A" Attached

herein referred to as the "Real Estate"; and

WHEREAS, Owner has petitioned the City of Fort Wayne, by and through its Plan Commission and Common Council, for an ordinance to change the zoning classification for the Real Estate from "B-1-B" to "B-3-B", as more particularly described in the Zoning Code of the City of Fort Wayne; and,

WHEREAS, the petition of the Owner for said zoning reclassification has been and is opposed by the owners of various properties contiguous to and in the vicinity of said Real Estate; and

WHEREAS, Owner desires to induce the City of Fort Wayne to grant his petition by placing certain restrictions and limitations upon the use of the Real Estate, and represents that the granting of said petition will constitute a substantial benefit to Owner, and his successors in title to said Real Estate; and,

WHEREAS, Wildwood Park Community Association, Inc., by and through Grant F. Shipley, its President, acting for and on behalf of the members of said Association, agrees and covenants to withdraw their opposition to said petition of Owner, and to forego their valuable right to petition the City of Fort Wayne to redress their grievances to said petition; and,

WHEREAS, Owner covenants and agrees, for himself, his grantees, representatives, successors and assigns, that the following Restrictive Covenant shall be, and it hereby is, imposed upon said Real Estate as a covenant running with the land burdening every part of the Real Estate and benefiting the lands hereinafter described and also benefiting the City of Fort Wayne, Indiana and its departments and agencies, especially the Fort Wayne Park and Recreation Department; and,

Restrictive Covenant  
Tah-Cum-Wah Recreational Center

Page two

WHEREAS, the foregoing promises and covenants are mutual and reciprocal, and are given in consideration one for the other; and the promises and covenants of the Owner, in addition, are offered to the City of Fort Wayne subject to and to induce the enactment of said petition for rezoning;

NOW THEREFORE, Owner, as Owner of said Real Estate, in consideration of the enactment of Bill No. Z-81-09-07, making the zoning classification B-3-B, and allowing the use of the Real Estate as a proprietary recreational facility as described herein, and in consideration of the withdrawal of opposition to his petition for rezoning by Wildwood Park Community Association, Inc., hereby covenants for himself, his grantees, heirs, representatives, tenants, lessees, successors, assigns, and/or all persons claiming title or use and enjoyment of the Real Estate under or through Owner, as follows:

1. No part of the Real Estate shall be used for any use or purpose not permitted in a B-1-B zoning classification under the Fort Wayne Zoning Code, except as provided in Paragraph 2, 3 and 4.

2. Presently existing uses of the Real Estate are hereby permitted.

No uses other than allowed in Paragraphs 1, 3 or 4 may be expanded.

3. No part of the Real Estate shall be used for any purpose, activity, or use other than as a golf driving range, putting green, miniature golf course, or outdoor sports playing field or fields, including softball and baseball diamonds, except as provided in Paragraphs 1, 2 and 4. No use may involve firearms.

4. Provided, however, the Real Estate described in Exhibit "B" may also be used for indoor sports uses allowable in a B-3-B zoning district, other than as a use involving firearms, which is hereby specifically prohibited on the Real Estate described in Exhibit "B".

5. The covenants, and each of them, burden and run with the land heretofore described as the Real Estate, and are not personal only to the Owner; but said covenants shall bind all subsequent heirs, grantees, representatives, successors, and assigns, their agents and employees, and all persons claiming title, or possession, under or through Owner; and these covenants, and each of them, shall inure to the benefit of all owners of land situated in whole or in part within three thousand (3,000) feet of any portion of the Real Estate, as

Restrictive Covenant  
Tah-Cum-Wah Recreational Center

Page three

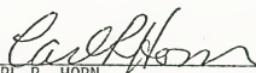
dominant tenements, and also to the Wildwood Park Community Association, Inc., its successors and assigns, and to the City of Fort Wayne, in its own name and by and through and in the separate name of any and all departments, boards and/or agencies of the City of Fort Wayne, especially the Department of Parks and Recreation of the City of Fort Wayne, who are or may be authorized by statute or ordinance to enforce restrictive covenants inuring to the benefit of the City of Fort Wayne.

6. These covenants, and any of them, may be enforced by legal proceedings seeking injunctive, declaratory, and/or compensatory relief.

7. Except as may be provided in a statute of limitations, the failure of one or more persons, to enforce any of these covenants by litigation or otherwise, shall not work an estoppel or waiver against any other person or persons having rights hereunder or through any statute or ordinance.

8. This covenant may be amended by the City of Fort Wayne, through its City Council, on application for an amendment to this covenant, to the City Council, by an Owner, after a public hearing on said application, after due notice of the application as would be required of a Petition for Rezoning. Amendment of this covenant would specifically be determined by the Fort Wayne City Council, and the failure of all Owners of land situated in whole or in part within three thousand (3,000) feet of any portion of the Real Estate, including the Wildwood Park Community Association, Inc., and its successors and assigns, to specifically approve said amendment, shall not defeat the amendment.

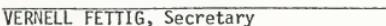
DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 1982.

  
\_\_\_\_\_  
CARL R. HORN

WILDWOOD PARK COMMUNITY ASSOCIATION, INC.

BY:   
\_\_\_\_\_  
GRANT F. SHIPLEY, President

ATTEST:

  
\_\_\_\_\_  
VERNELL FETTIG, Secretary

Restrictive Covenant  
Tah-Cum-Wah Recreational Center

Page four

CITY OF FORT WAYNE FOR AND ON BEHALF OF  
ITS DEPARTMENTS AND AGENCIES, INCLUDING  
THE FORT WAYNE PARK AND RECREATION DEPARTMENT.

BY: \_\_\_\_\_

Restrictive Covenant  
Tah-Cum-Wah Recreational Center  
Page five

STATE OF INDIANA, COUNTY OF ALLEN, SS:

Before me the undersigned, a Notary Public in and for said County and State this 24th day of March, 1982, personally appeared CARL R. HORN, and acknowledged the execution of the foregoing Restrictive Covenant.

In Witness Whereof I have hereunto subscribed my name and affixed my official seal.

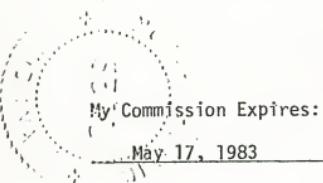
  
John M. Whitmore, Jr.  
John M. Whitmore, Jr., Notary Public  
Resident: Allen County, Indiana

My Commission Expires:  
May 17, 1983

STATE OF INDIANA, COUNTY OF ALLEN, SS:

Before me the undersigned, a Notary Public in and for said County and State this 25th day of March, 1982, personally appeared GRANT F. SHIPLEY, the President of Wildwood Park Community Association, Inc., who acknowledged execution of the foregoing Restrictive Covenant for and on behalf of said Wildwood Park Community Association, Inc., and who, having been duly sworn stated that the representations therein contained are true.

Witness my hand and Notarial Seal on the date above.

  
John M. Whitmore, Jr.  
John M. Whitmore, Jr., Notary Public  
Resident: Allen County, Indiana

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\_\_\_\_\_  
Notary Public  
Resident: Allen County, Indiana

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Restrictive Covenant  
Tah-Cum-Wah Recreational Center  
Page six

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Notary Public  
Resident: Allen County, Indiana

My Commission Expires:

---

PREPARED BY:  
John M. Whitmore, Jr. and  
Grant F. Shipley

EXHIBIT A  
to  
Bill No. Z-81-09-07

Part of Third Commercial Addition, as recorded in Plat Book 4, page 48, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Lot #413 through Lot #425 inclusive in Third Commercial Addition, together with the vacated alley lying North of and adjacent to Lot #413 through Lot #425 in Third Commercial Addition, together with Lot #468 through Lot #456 inclusive in Third Commercial Addition, together with vacated Beadell Street lying north of and adjacent to Lot #468 through Lot #456 inclusive, together with Lot #469 through Lot #481 inclusive in Third Commercial Addition, together with 12 feet vacated alley lying North of and adjacent to Lot #469 through Lot #481 inclusive, together with Lot #516 through Lot #504 inclusive in Third Commercial Addition, together with the South half of vacated Graeter Street lying North of and adjacent to Lots #516 through Lot #504, together with Lot #517 through Lot #521 inclusive and the West 20 feet of Lot #522 in Third Commercial Addition, together with the North half of vacated Graeter Street lying South of and adjacent to Lot #517 through Lot #521 and the West 20 feet of Lot #522 in Third Commercial Addition, together with part of Lot "E" in Third Commercial Addition more particularly described as follows:

Beginning at a point on the South line of Lot "E" in Third Commercial Addition, said point being the intersection of the North right-of-way line of Taylor Street and the East right-of-way line of Freeman Street; thence East along the South line of Lot "E" a distance of 545 feet to a point on the West right-of-way line of Morris Street; thence North along the West right-of-way line of Morris Street a distance of 1218 feet; thence West and parallel to, the South line of Lot "E" a distance of 369.6 feet; thence West on a curve to the left having a radius of 666.2 feet a distance of 177.67 feet to a point on the East right-of-way line of Freeman Street; thence South along the East right-of-way line of Freeman Street a distance of 1194.45 feet to the point of beginning, excepting therefrom a part of Lot "E" in Third Commercial Addition described as follows:

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## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

31 March 1982

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held March 22, 1982. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-81-09-07
2. From B-1-B to B-3-B
3. Intended Use: Tah-Cum-Wah Recreational Center
4. Plan Commission Recommendation: DO PASS with a condition in the form of a RESTRICTIVE COVENANT

Your attention is directed to paragraph 8. which reads as follows:

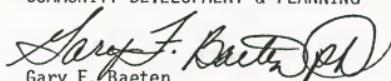
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A copy of the covenant is attached to the original ordinance and a copy is attached to this letter for your information.

If you have any questions with regard to this ordinance please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

  
Gary F. Baeten  
Senior Planner

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

3-81-09-07

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE An area bounded on the north by a line approximately 120' south and parallel with vacated Johnson Street, on the west by Freeman Street, on the east by Catalpa and on the south by Taylor Street, commonly known as Te-Cum-Wah Recreational Center.

EFFECT OF PASSAGE Property is now zoned B-1-B - Limited Business. Property will become B-3-B - General Business.

EFFECT OF NON-PASSAGE Property will remain B-1-B - Limited Business.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) \_\_\_\_\_

83  
3-04



# The City of Fort Wayne

OFFICE OF THE CITY CLERK  
Charles W. Westerman, Clerk — Room 122

April 28, 1982

Ms. Judy High  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. High:

Please give the attached full coverage on the dates of May 3, 1982 and May 10, 1982, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN.

Bill No. Z-81-09-07  
(as amended)  
Zoning Map Ordinance Z-09-82

Please send us 5 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

*Charles W. Westerman*  
Charles W. Westerman  
City Clerk

CWW/ne  
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 23rd day of April, 1982, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. Z-81-09-07 (as amended) -- Zoning Map Ordinance No. Z-09-82, AN ORDINANCE amending the City of Fort Wayne Zoning Map No. I-2

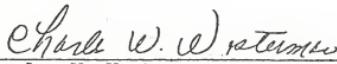
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that Bill No. Z-81-09-07 (as amended) .Zoning Map Ordinance No. Z-09-82, was passed by the Common Council on the 13th day of April, 1982, said Ordinance was signed and approved by the Mayor on the 23rd day of April, 1982, and remains on file and on record in my office.

Copies of Bill No. Z-81-09-07 (as amended) -- Zoning Map Ordinance No. Z-09-82, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana.

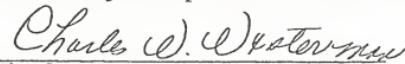
- (1) The main floor o fht City-County Building
- (2) The bulletin board in the lobby of Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. Z-08-09-07 (as amended) -- Zoning Map Ordinance No. Z-09-82 will be available for reading in the following places in Fort Wayne, Allen County, Indiana

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

  
\_\_\_\_\_  
Charles W. Westerman  
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinance in the designated places as stated on May 3, 1982.

  
\_\_\_\_\_  
Charles W. Westerman  
City Clerk

Fort Wayne Common Council  
(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head	number of lines	1
Body	number of lines	54
Tail	number of lines	2
Total number of lines in notice		<u>57</u>

## COMPUTATION OF CHARGES

57 lines, 1 columns wide equals 57 equivalent lines at .300¢, \$ 17.10  
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 3 extra 1.50TOTAL AMOUNT OF CLAIM. \$ 18.60

## DATA FOR COMPUTING COST

Width of single column 9.6 picas	Size of type ..... <u>6</u> point
Number of insertions ..... <u>2</u>	Size of quad upon which type is cast <u>6</u>

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*Annie De Told*

Date May 10, 1985

LEGAL NOTICE  
Notice is hereby given that on the 23rd day of April, 1982, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill —  
Zoning Map Ordinance No. Z-09-82, AN ORDINANCE amending the City of Fort Wayne Zoning Map No.

Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the No. Z-09-07 (as amended) Zoning Map Ordinance No. Z-09-82, was passed by the Common Council on the 23rd day of April, 1982, said Ordinance was signed and approved by the Mayor on the 23rd day of April, 1982, and is on file and on record in my office.

Copies of Bill No. Z-81-06-07 (as amended) Zoning Map Ordinance No. Z-09-82, will be posted for reading in the following pieces in Fort Wayne, Allen County, Indiana:

(1) The main floor of the City County Building

(2) The bulletin board in the lobby of downtown Fort Wayne Public Library

(3) The bulletin board in the lobby of the east door of the Allen County Court House Copies of Bill No. Z-81-06-07 (as amended) Zoning Map Ordinance No. Z-09-82 will be available for reading in the following places in Fort Wayne, Allen County, Indiana:

(1) Cafeteria Room in the north end of the main floor in said Downtown Public Library

(2) In the lobby of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

Charles W. Westerman  
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinance in the designated places as stated on May 3, 1985.

Charles W. Westerman  
City Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned, ARVILLA DEWAULD, who, being duly sworn, says that she is \_\_\_\_\_ of theCLERK  
JOURNAL-GAZETTE  
DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANAin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:5/3 - 5/10/82Subscribed and sworn to before me this 10th day of May, 1982*Annie De Told*\_\_\_\_\_  
*Clare M. Perkins*

Notary Public

My commission expires November 29, 1985

Fort Wayne Common Council

(Governmental Unit)

Allen

County, Ind.

To ..... JOURNAL GAZETTE Dr.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

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## COMPUTATION OF CHARGES

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Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 3 extra 1.50

**TOTAL AMOUNT OF CLAIM.** \$ 18.60

## DATA FOR COMPUTING COST

Width of single column 9.6 picas	Size of type..... 6 point
Number of insertions 2	Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date May 10 1982

Title CLERK

Form 904

## PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned, ARVILLA DEWOLD, who, being duly sworn, says that she is,

CLERK

JOURNAL GAZETTE DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

5/3 - 5/10/82

Subscribed and sworn to before me this 10th day of May 1982

Notary Public

My commission expires November 29, 1985

Charles W. Westerman

City Clerk

I, Charles W. Westerman, City Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinance in the designated places as stated on May 10, 1982.

Charles W. Westerman

City Clerk

## Fort Wayne Common Council

(Governmental Unit)

Allen

County, Ind

To ..... NEWS-SENTINEL Dr.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

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TOTAL AMOUNT OF CLAIM.		\$ 18.60
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## DATA FOR COMPUTING COST

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Number of insertions 2	Size of quad upon which type is cast .. 6 .....

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*D. Roose*

May 10 1982

Title ..... CLERK

## LEGAL NOTICE

Notice is hereby given that on the 23rd day of April, 1982, the Common Council of the City of Fort Wayne, Indiana In Regular Session did pass the following Bill No. Z-09-07-02 (as amended) — Zoning Map Ordinance No. Z-09-82, AN ORDINANCE amending the City of Fort Wayne Zoning Map No. Z-09-82.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that Bill No. Z-09-07-02 as amended amending Map Ordinance No. Z-09-82, was passed by the Common Council on the 13th day of April, 1982. This Ordinance was signed and approved by the Mayor on the 23rd day of April, 1982 and filed on file and on record in my office.

Copies of Bill No. Z-09-07-02 (as amended) Zoning Map Ordinance No. Z-09-82 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana:

(1) The main floor of the City-County Building.

(2) The bulletin board in the lobby area of the Downtown Public Library.

(3) The bulletin board in the lobby area of the Allen County Court House Copies of Bill No. Z-09-07-02 (as amended) Zoning Map Ordinance No. Z-09-82 will be available for reading in the following places in Fort Wayne, Allen County, Indiana:

(1) The main room in the north end of the main floor in said Downtown Public Library.

(2) The lobby of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana.

Charles W. Westerman  
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinance in the designated places as stated on May 3, 1982.

Charles W. Westerman  
City Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned..... D. ROOSE..... who, being duly sworn, says that he is..... CLERK..... of the

NEWS-SENTINEL

a..... newspaper of general circulation printed and published in the English language in the city of ..... FORT WAYNE, INDIANA..... town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for..... the dates of publication being as follows: 5/3 - 5/10/82

10th day of May 1982

*D. Roose*

Subscribed and sworn to before me this

November 29, 1985

My commission expires

*John M. Berkman*

Notary Public

5—3-10

**Fort Wayne Common Council**  
(Governmental Unit)

**Allen** ..... County, Ind.

To ..... **NEWS-SENTINEL** ..... Dr.

**FORT WAYNE, INDIANA**

**PUBLISHER'S CLAIM**

**LINE COUNT**

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**COMPUTATION OF CHARGES**

<b>57</b>	.....	<b>1</b>	..... columns wide equals <b>57</b>	..... equivalent lines at .300¢	<b>\$ 17.10</b>
cents per line					

Additional charge for notices containing rule or tabular work (50 per cent of above amount) \_\_\_\_\_

Charge for extra proofs of publication (50 cents for each proof in excess of two) <b>3 extra</b>	<b>1.50</b>
<b>TOTAL AMOUNT OF CLAIM.</b> <b>\$ 18.60</b>	

**DATA FOR COMPUTING COST**

Width of single column 9.6 picas	Size of type..... 6 .....	point
Number of insertions <b>2</b>	Size of quad upon which type is cast. 6 .....	

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*D. Rose*

**May 10 82**

Date ..... 19

Title ..... **CLERK**

Form 903

**PUBLISHER'S AFFIDAVIT**

State of Indiana

ALLEN County 55:

Personally appeared before me, a notary public in and for said county and state, the undersigned **D. ROOSE** who, being duly sworn, says that she is **CLERK** of the

**NEWS-SENTINEL**

**DAILY** newspaper of general circulation printed and published in the English language in the city of **FORT WAYNE, INDIANA**

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for **two times**, the dates of publication being as follows: **5/3 - 5/10/82**

*D. Rose*  
10th day of May 1982

Subscribed and sworn to before me this

*June M. Perkins*  
November 29, 1985  
Notary Public

My commission expires

Charles W. Westerman

City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, have fulfilled and posted the above ordinance in the designated places as stated on May 3, 1982.

Charles W. Westerman

City Clerk